IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21305 of 2004

Between:

1 Pagutla Samelu, S/o. Mosa,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
2 Palakollu Pullaiah, S/o. Kotayya,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
3 Palakolu Kotaiah, S/o. Pullaiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
4 Rallacharla Mohan Rao, S/o. Sitaramaiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
5 Rallacharla Nageswara Rao, S/o. Sita Ramaiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
6 Pagutla Krishna, S/o. Prasada Rao,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
7 Pagutla Venkateswara Rao, S/o. Veera Swamy,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
8 Bollepogu Mallaiah, S/o. Venkaiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
9 Tadikamalla Yesobu, S/o. Rajarathnam,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
10 Smt. Kopuri Lakshmi, W/o. Late Venkata Ratnam,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
11 Allada Peda Satyam, S/o. Ramaiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
12 Smt. Tiruveedhula Chellemma, W/o. Venkateswar Rao,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
13 Vemopati Adiyya, S/o. Jakraiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
14 Paragadapu Paramesu, S/o. Gopaiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
15 Mandal Krishna, S/o. Veeraiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
16 Palakollu Kittayya, S/o. Venkaiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
17 Pagutla Pichiyya, S/o. Veera Swamy,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.

18 Pagutla Venkateswara Rao, S/o. Pichiyya,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
19 Mullapti suleman, S/o. Kanakaiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.

20 smt. Kanchipogu Adilakshmi, W/o. Late Somulu,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
21 Kopurik Nageswar Rao, S/o. Gopaiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.

22 Kopuri Anjaneylu, S/o. Mallaiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
23 Ravula Venkateswara Rao, S/o. Narasaiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
24 Pagutla Kumari, W/o. Late Lachha,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
25 Ajmira Santamma, W/o. Late Lachha,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
26 Ajmira Maresu, S/o. Ramulu,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
27 Bhukya Ranga, S/o. Lalu,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
28 Bhukya Gamiya,. S/o. Magitya,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
29 smt. Kopuri Manikyam, W/o. Late Lakshmaiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
30 Pagutla Chinna Adam, S/o. Gopaiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
31 smt. Kanchipogu Suseela, W/o. Late Rangaiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
32 Kanchipogu Bayamma, W/o. Late Mallaiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
33 Kanchipogu Manikyam, S/o. Late Venkata Ratnam,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
34 Allda Peda Rambabu, S/o. Satyanarayana,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.
35 Pasupuleti Durga Rao, S/o. Ramaiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna District.

..... PETITIONER(S)

AND

1 The Settlement Officer/Joint Collector, Krishna District, at Machilipatnam.
2 Katari Pandu Ranga Rao, S/o. Ramaiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna district.
3 smt. Katari Chittamma, W/o. Ramaiah,
R/o. Kalagara Village, Vissannapet Mandal, Krishna district.
4 Smt. Pagadala Anasuyamma, W/o. Ranga Rao,
R/o. Kalagara Village, Vissannapet Mandal, Krishna district.
5 The Mandal Revenue Officer, Vissannapeta, Krishna District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the connected records from the first respondent i.e. the order passed in S.R. 15(1) 17/99 dated 14-7-2004, granting pattas to the respondents 2 to 4 to the land of Ac.41-00 in R.S.No.340, situated at Kalagara Village, Vissannapet Mandal, Krishna District, by issuing an appropriate Writ, order or direction, preferably a Writ in the nature of Certiorari and quash the same

Counsel for the Petitioner: MR.K.RANGA RAO

Counsel for the Respondents 1 and 5.: GP FOR REVENUE

Counsel for respondents 2 to 4 : None apeared

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed questioning the order of the 1st respondent dated 14—7-2004 in S.R.15(1)17/99 granting pattas to respondents 2 to 4 in respect of land in an extent of Ac.41-00 in R.S.No.340 of Kalagara village, Vissannapet Mandal, Krishna District.

The case of the petitioners is that the land in question was assigned in their favour by the Tahsildar, Tiruvuru in the year 1982 and D-Form Pattas were also issued to them and since then they have been in continuous possession and enjoyment of the

same. While so, it is the grievance of the petitioners that without notice to the petitioners, the 1st respondent passed the impugned orders, granting pattas in respect of the land in question, in favour of respondent Nos. 2 to 4, which is illegal and arbitrary.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

The learned Government Pleader submits that against the order impugned in this writ petition, the petitioners have got effective alternative remedy by way of appeal to the Estate Abolition Tribunal, Krishna, as is evident from the impugned order itself.

In the circumstances, the writ petition is disposed of at the stage of admission with the following directions:

Inasmuch as the petitioners are claiming that they are in possession of the land in question, and in view of the fact that the impugned order granting pattas in favour of respondent Nos.2 to 4 in respect of the land in question, has been passed without notice to them and without impleading them as parties thereto, and having regard to the fact that against the impugned order, an effective alternative remedy by way of appeal is provided before the Estates Abolition Tribunal, which is evident from the impugned order itself, it is appropriate that the petitioners be given the liberty to file a petition to grant leave to file an appeal against the impugned order, and appeal accompanied with a petition for grant of stay of the impugned order, pending disposal of the appeal, before the Estate Abolition Tribunal, within a period of two weeks from today. On such filing, the Estates Abolition Tribunal shall consider the same and pass appropriate orders thereon in accordance with law, after notice to all the concerned. For a period of four weeks from today, there shall be interim stay of dispossession of the petitioners in pursuance of the impugned order. No costs.

22-11-2004

Note:

Issue C.C. by tomorrow

B/o

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To:

1 The Settlement Officer/Joint Collector, Krishna District, at Machilipatnam.
2. The Mandal Revenue Officer, Vissannapeta, Krishna District

3. Two C.Cs to G.P. for Revenue, High Court

of A.P. Hyderabad (OUT)

4. Two C.D. copies